

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

Voluntary Chapter 7 Case of Individual Debtor – Requirements

_____ **Filing Fee: \$306.00** [this includes a \$46 administrative fee and a \$15 trustee surcharge].

- File Official Form 3A if individual debtor seeks to pay by installments.
- File Official Form 3B if individual debtor seeks a waiver of the fee (*in forma pauperis*) [to be eligible for a waiver, the debtor's income must be less than 150% of the official poverty line; there is a link to official poverty line data on the court's website, www.nysb.uscourts.gov].
- Fees can be paid by money order or certified check (**no** personal checks). In Manhattan, fees can also be paid with cash in the exact amount (the clerk's office is unable to make change). The White Plains and Poughkeepsie offices do **not** accept cash.

_____ **Voluntary Petition** (Official Form 1).

- Before filing, check the last four digits of the debtor's social security number (appearing on the petition) to ensure accuracy.

_____ **List of Creditors** [include name and complete address for each listing].

- Debtor must file list of creditors with the petition and such list must include those listed (or to be listed) on Schedule G (Executory Contract and Unexpired Leases) and Schedule H (Codebtors).

_____ **Statement of Social Security Number** (Official Form 21).

- Required for *all* individual debtors.
- Before filing, check the accuracy of the social security number appearing on the form.
- File paper original with the petition if filing conventionally, but do **not** include on the diskette with the other documents (since this form should **not** appear on the electronic docket).

_____ **Notice to Consumer Debtor(s) under § 342(b) of the Bankruptcy Code** (Form B 201A) and **Certification of Notice to Consumer Debtor(s) under § 342(b) of the Bankruptcy Code** (Form B 201B). If the debtor is an individual with primarily consumer debts, the debtor must have received and read the notice (Form B 201A) BEFORE the petition is filed. Certification using Form B 201B must be made, as follows:

- **Certification of the Debtor** (bottom portion of Form B 201B) must be filed with the petition (where the debtor did not retain the services of an attorney or bankruptcy petition preparer).
- **Certification of [Non-Attorney] Bankruptcy Petition Preparer** (upper portion of Form B 201B) must be filed with the petition (where the debtor retained the services of a bankruptcy petition preparer).

Only an attorney may sign Exhibit B (located toward the top of the second page of the Voluntary Petition) to make this certification.

_____ **Certificate of Credit Counseling and Debt Repayment Plan.**

- All individual debtors are required to undergo credit counseling from an agency approved by the US Trustee for this federal judicial district [Southern District of New York] **within 180 days prior to filing the petition**; to view the list of approved agencies for this district, a link to the US Trustee's website can be accessed from the court's website, www.nysb.uscourts.gov.
- When filing the certificate furnished by the credit counseling agency, the debtor must also file a copy of any debt repayment plan created as part of credit counseling.

_____ **Exhibit D.**

- **At the time of case filing**, the debtor must file (with the voluntary petition) a signed, completed **Exhibit D**, "*Individual Debtor's Statement of Compliance with Credit Counseling Requirement*"; in a joint case, each debtor must file a **separate Exhibit D**.
- Depending on how the debtor completes **Exhibit D**, the credit counseling certificate is due either at the time of case filing **OR** 14 days from the date of case filing (*see* Exhibit D).
- As indicated on **Exhibit D**, the debtor must make a **separate written request** when asking the court for the following form of relief: Request for Court Determination of Waiver Due to Incapacity, Disability or Active Military Duty in a Combat Zone [Section 109(h)(4)].

_____ **Statement of Current Monthly Income and Means Test Calculation** (Official Form 22A).

- Required for all individual debtors.
- Must be filed with the petition or within 14 days from the date of filing.

- Before filing, debtors should make sure that they have placed a check in the applicable box appearing in the upper, right-hand corner of the form’s first page (indicating that the “*presumption arises*,” the “*presumption does not arise*” or that the “*presumption is temporarily inapplicable*”).

____ **Schedules (Official Form 6).**

- Individual debtors must file **all** parts: *Summary of Schedules, Statistical Summary of Certain Liabilities and Related Data* (28 U.S.C. § 159) and Schedules A through J, including the *schedules of assets and liabilities*, the *schedule of executory contracts and unexpired leases*, and the *schedules of current income and expenditures*.
- Must be filed with the petition or within 14 days from the date of filing.

____ **Statement of Financial Affairs (Official Form 7).**

- Must be filed with the petition or within 14 days from the date of filing.

____ **Chapter 7 Individual Debtor’s Statement of Intention (Official Form 8).**

- Required **ONLY** if the individual debtor’s *schedules of assets and liabilities* contain debts secured by property of the estate or personal property subject to an unexpired lease.
- Must be filed within 30 days of the filing of the petition or by the date first set for the section 341(a) meeting of creditors, whichever is **earlier**.

____ **Record of any Interest in an Education IRA.**

- In addition to completing line 11 of Schedule B, the debtor must separately file a record of any interest in an education individual retirement account (Education IRA).
- Must be filed with the petition or within 14 days from the date of filing.
- The debtor should redact his or her social security number prior to filing (delete or block first five digits).

____ **Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer (Official Form 19)** [where the debtor retained the services of a bankruptcy petition preparer].

- Official Form 19 must be filed with any petition prepared by a bankruptcy petition preparer.

____ **Statement Disclosing Compensation Paid or To Be Paid to a Bankruptcy Petition Preparer (Director’s Procedural Form B 280).**

- Must be filed with any petition prepared by a bankruptcy petition preparer.

____ **Statement Disclosing Compensation Paid or To Be Paid to the Attorney for the Debtor (Director’s Procedural Form B 203).**

- Must be filed within 14 days or any other date set by the court.

____ **Where, Prior to Filing, Landlord Obtained Judgment for Eviction from Residential Lease.**

- Debtor must complete bottom portion of the second page of the Voluntary Petition (Official Form 1).
- Debtor should obtain separate instructions from the clerk’s office.

____ **After Filing: Debtor Must Complete Course in Personal Financial Management.**

- All individual debtors in cases under chapters 7 and 13 are required to complete this course from a course provider approved by the US Trustee for this federal judicial district [Southern District of New York]; to view the list of approved course providers for this district, a link to the US Trustee’s website can be accessed from the court’s website, www.nysb.uscourts.gov.
- After completing the course, the debtor must file **Official Form 23** (“Debtor’s Certification of Completion of Postpetition Instructional Course Concerning Personal Financial Management”) **within 60 days** after the first date set for the section 341(a) meeting of creditors. In a joint case, each debtor must file a **separate** Official Form 23.

NOTE: Payment Advices or Other Evidence of Payment – Pursuant to General Order M-382, individual debtors in chapter 7 cases must provide the chapter 7 case trustee – no later than the time of the meeting of creditors conducted pursuant to 11 U.S.C. § 341(a) – copies of payment advices or other evidence of payment received by the debtor from any employer *within 60 days before* the date of the filing of the petition. Do not file payment advices with the Court.